IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7523 of 2007()

CRIME NO.732/2007 OF KASARAGOD POLICE STATION

PETITIONER/ACCUSED

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1. **SADHIQUE, S/O.MAHIN, CHATTANCHAL THEKKIL VILLAGE & POST, KASARAGOD**

2. **SAJIED, S/O.MAHIN, CHATTANCHAL THEKKIL VILLAGE & POST, KASARAGOD.**

3. **NIYAS P.A., S/O.LATE ABDULKHADER, PUTHARIYADDUKAM, CHATTANCHAL, THEKKIL VILLAGE & POST, KASARAGOD.**

4. **MOHAMMED ALI.P.A., S/O.LATE ABDULKHADER, PUTHARIYADDURKAM, CHATTANCHAL, THEKKIL VILLAGE & POST, KASARAGOD.**

5. **ASHFAR P.A., S/O.ABDULLA, PUTHARIYADDUKAM, CHATTANCHAL THEKKIL VILLAGE & POST, KASARAGOD.**

6. **ASHFAKA P.A., S/O.ABDULLA, PUTHARRIYADDUKAM, CHATTANCHAL, THEKKIL VILLAGE & POST, KASARAGOD.**

7. **ABDU, S/O.ABDUL RAHUMAN, PUTHARIYADDURKAM, CHATTANCHAL THEKKIL VILLAGE & POST, KASARAGOD.**

8. **NAUFAL, S/O.MOHAMMED MUSLIYAR, PUTHARIYADDURKAM, CHATTANCHAL THEKKIL VILLAGE & POST, KASARAGOD.**

9. **HASIF, S/O.AMU, CHATTANCHAL, THEKKIL VILLAGE & POST, KASARAGOD.**

10. HASSAINAR, S/O.MOHAMMED,
PUTHARIYADDURKAM, CHATTANCHAL
THEKKIL VILLAGE & POST, KASARGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY SHO
KASARAGOD POLICE STATION,
REP. BY PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7523 of 2007

Dated this the 7th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 10. There are ten named accused persons, that is petitioners and ten others arrayed as accused. The incident took place on 4/11/2007. There are three injured persons. One of them has suffered nasal bone fracture. Prior animosity between two student groups is the alleged motive. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays that the petitioners may be granted anticipatory bail. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there are no circumstances warranting or justifying the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify the invocation of the extraordinary equitable discretion under

Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioners must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

4. In the result, this petition is dismissed. Needless to say, if the petitioners surrender before the investigating officer or the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007